

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gail Patricia Moore)	C/A No. 0:21-cv-01276-SAL
)	
)	
Plaintiff,)	
)	
v.)	OPINION & ORDER
)	
Kilolo Kijakazi, Acting Commissioner of Social Security,)	
)	
)	
Defendant.)	
)	

Plaintiff Gail Patricia Moore (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3), seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claims for social security benefits. [ECF No. 1.] In accordance with 28 U.S.C. § 636 and Local Civil Rule (D.S.C.) 73.02 (B)(2)(a), this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial handling. On May 19, 2022, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed and remanded for further administrative action. [ECF No. 26.] Attached to the Report is a Notice of Right to File Objections. *Id.* at 9. Neither party filed objections to the Report.¹

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

¹ The Commissioner filed a notice of intent not to file objections to the Report. [ECF No. 27.]

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the Commissioner’s decision is **REVERSED** and **REMANDED** for further administrative action as outlined in the Report.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

June 30, 2022
Florence, South Carolina